

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARIA GUTIERREZ,

Plaintiff,

v.

MEDTRONIC PLC, MEDTRONIC,
COVIDIEN LP, JOHN DOE (A through L),
COMPANY (M through Z), these names being
Fictitious,

Defendants.

CASE NO. 2:22-cv-05573-SDW-MAH

**COVIDIEN LP'S MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(5),(6), Covidien LP, by and through undersigned counsel, hereby moves to dismiss Plaintiff's Amended Complaint with prejudice for improper service and failure to state a claim upon which relief can be granted. Covidien LP incorporates by reference the attached brief in support of this requested relief.

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

Dated: October 26, 2022

By: /s/ Nicolai A. Schurko

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***Attorneys for Defendants
Medtronic plc and Covidien LP***